

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:) BK. NO. 09-81063-TLS
RICHARD ALLEN MAGNI, SR.)
SSN: ###-##-5379) CHAPTER 13
TAMMY LYNN MAGNI)
SSN: ###-##-3970)
Debtors.)

**DECLARATION OF COUNSEL TO THE CHAPTER 13 TRUSTEE
REGARDING FAILURE TO COMPLY WITH STIPULATION**

THOMAS P. KENNY, Counsel to the Chapter 13 Trustee, declares:

1. He is Counsel to the duly appointed Standing Chapter 13 Trustee in the case of the above reference debtors.
2. A Trustee's Notice of Payment Default in the above referenced case was issued on June 21, 2010, because the Debtors had defaulted in payments required under the terms of the Chapter 13 plan.
3. On July 9, 2010, a stipulation between the Trustee and the Debtors was filed with the Court. The stipulation required the Debtors to take specific curative action by a specific date in resolution of the Notice of Payment Default.
4. The time period for such curative action has expired and action required by the stipulation has not occurred.
5. The Trustee requests dismissal of this case as provided by the terms of the stipulation.

DATED: August 20, 2010

s/Thomas P. Kenny
Thomas P. Kenny

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Counsel to the Trustee's Declaration was served on TRINH P TRAN, Debtors attorney, via the CM/ECF system of the United States Bankruptcy Court and a copy was mailed on August 20, 2010, by first-class, U.S. mail, postage prepaid to the Debtors at the addresses listed below:

RICHARD ALLEN MAGNI, SR.
831 N 148TH AVE
OMAHA, NE 68154

TAMMY LYNN MAGNI
831 N 148TH AVE
OMAHA, NE 68154

s/Thomas P. Kenny
Thomas P. Kenny